

**REMARKS**

In response to the Examiner's restriction requirement, Applicants hereby elect the invention of Groups I-IV and the species of Group I (e.g., drawn to methods of thermally treating a magnetic layer of a wafer comprising applying at least one local magnetic field to the magnetic layer), with traverse. Applicants expressly reserve the opportunity to file a Divisional Application for the non-elected invention later.

Applicants point out that the M.P.E.P. states that "[c]laims are definitions of inventions. Claims are never species" (see M.P.E.P. §806.04(e)). That is, the claims of Group I-IV all read upon at least Figures 1A and 2 of the Application. That is, each feature recited in the claimed inventions of each of Groups I-IV is related to the embodiment depicted in Figures 1A and 2.

For example, the embodiment depicted in Figure 2 includes applying at least one local magnetic field to the magnetic layer, as recited in claim 1, as well as heating the magnetic layer for a duration within a range of about 1 second to about 60 seconds in the presence of the magnetic field, as recited in claim 5.

Therefore, Applicants submit that the Examiners' Election of Species Requirement is erroneous. If the Examiner wishes to maintain this Election of Species Requirement, Applicants submit that the Examiner must point out the species (e.g., different embodiments) of the invention disclosed in the Specification (e.g., point out which figures of the invention depict different species of the invention). Once the Examiner has identified the distinct species disclosed in the Specification, Applicants will determine which claims read upon each species defined in the Application.

Applicants submit that at least claims 1-17 and 26 read upon at least Figures 1A and 2 of the Application.

Moreover, Applicants submit that no additional searching burden will be placed on the Examiner, because the Examiner has already searched and considered all of the claims of Groups I-IV. Additionally, the Examiner has already indicated that the claims of Groups II and IV are allowable. Therefore, regarding at least the claims of Groups II and IV, the Examiner will clearly not incur any additional searching burden.

Furthermore, even assuming *arguendo* that a slight, additional searching burden was imposed upon the PTO if the claims of Group I-IV were examined in the same application, the burden to the Applicants would be much greater in terms of financial considerations, since a divisional application is likely to be filed. Divisional applications are costly, with the present filing, issue, and maintenance fees alone being \$5,000. Thus, from a financial standpoint, Applicants' cost associated with filing and prosecuting a divisional application are believed to outweigh any additional costs (e.g., due to searching) incurred by the PTO if the claims of Groups I-IV were to be examined in the same application.

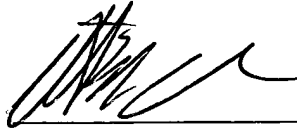
For the above reasons, Applicants respectfully request that the Examiner withdraw the Election of Species Requirement, and examine the Group I-IV claims in the same application.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0510.

Respectfully Submitted,

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